

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN DAGGETT,

Plaintiff,

v.

Case No. 05-C-0084

RICHARD WOLLANGK, *et al.*,

Defendants.

ORDER

Plaintiff John Daggett filed a civil rights action under 42 U.S.C. § 1983 against Defendants Richard Wollangk, David Erickson, Jeffrey Nelson, and Andrew Lecker. Plaintiff has now moved for sanctions against defendants' counsel (Docket #93). While the motion is difficult to understand, plaintiff's complaint apparently is that defendants' counsel interfered with his ability to ask a non-party witness questions about the mental health of another non-party at a deposition. Plaintiff has not filed a deposition transcript or excerpts therefrom, so the court is unable to assess the propriety of defense counsel's conduct at the deposition. More importantly, however, a non-party, non-expert witness' impression of the mental health of another non-party is irrelevant to this litigation. Accordingly, plaintiff's motion will be denied.

Plaintiff has also filed a motion to compel (Docket #95). The motion is mostly argumentative, and the court cannot determine whom the plaintiff wishes to compel to produce what. The motion is not accompanied by a certification that, after personal consultation with the

party adverse to the motion and after sincere attempts to resolve their differences, the parties were unable to reach an accord. Civil L.R. 37.1. Accordingly, it will be denied.

Cluttering the docket in this case are numerous discovery requests filed by plaintiff. The court calls plaintiff's attention to Fed. R. Civ. P. 5(d), which provides that depositions, interrogatories, requests for documents or to permit entry upon land, and requests for admission must not be filed unless and until they are used in the proceedings.¹ Further filings in violation of Fed. R. Civ. P. 5(d) will be summarily stricken.

SO ORDERED.

Dated this 19th day of August, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge

¹An example of a proper filing would have been the excerpts from the deposition of Tony Plante that contain defense counsel's alleged misconduct.